



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

MAR 23 2005

Mr. Stephen Halasz
Project Coordinator
BNC Engineering, LLC.
607 River Bend Drive
Georgetown, Texas 78628

Re: Addendum to the EPA's 2/03/05 Comments on NORCO's 9/07/04 Draft Deliverables
Based on 3/04/05 Meeting
Request for Extension of Due Date for Amended Draft Deliverables
National Oil Recovery Corporation, Remedial Investigation and Feasibility Study
Falcon Refinery Superfund Site; Ingleside, San Patricio County, Texas

Dear Mr. Halasz:

The purpose of the comments in this Addendum is to supplement the U.S. Environmental Protection Agency's (EPA) comments (dated February 3, 2005) on National Oil Recovery Corporation's (NORCO) draft deliverables (dated September 7, 2004) concerning the Remedial Investigation and Feasibility Study for the Falcon Refinery Superfund Site. Enclosure A (Addendum to the EPA's Comments Dated February 3, 2005) is a brief summary of the discussions, involving NORCO's draft deliverables, that occurred during the meeting held on March 4, 2005, between the EPA, Federal/State natural resource trustees, and NORCO. This Addendum is a supplement to and is incorporated by reference into the EPA's February 3, 2005, comments on NORCO's draft deliverables. Therefore, NORCO must incorporate the comments in the EPA's February 3, 2005, comments as well as the EPA's comments in this Addendum into the amended draft deliverables.

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185746

The EPA is requesting that NORCO, and supporting staff, consult with the EPA prior to submitting the amended draft deliverables. Please call me at (214) 665-7437 to schedule these consultations and also if you have any questions or comments concerning Enclosure A.

Sincerely yours,

A handwritten signature in cursive script that reads "Rafael A. Casanova".

Rafael Abrego Casanova, P.G.
Remedial Project Manager

Enclosure

cc: Mr. Richard Bergner (National Oil Recovery Corporation)
Ms. Gloria Moran (U.S. Environmental Protection Agency, Region 6)
Mr. Carlos Sanchez (U.S. Environmental Protection Agency, Region 6)
Mr. David Riley (U.S. Environmental Protection Agency, Region 6)
Ms. Katherine Sciera (U.S. Environmental Protection Agency, Region 6)
Mr. Gary Moore (U.S. Environmental Protection Agency, Region 6)
Mr. Steven Pratt (U.S. Environmental Protection Agency, Region 6)
Mr. Chris Lister (U.S. Environmental Protection Agency, Region 6)
Mr. Michael Bechdol (U.S. Environmental Protection Agency, Region 6)
Ms. Jessica White (U.S. National Oceanic and Atmospheric Administration)
Mr. Barry Forsythe (U.S. Fish and Wildlife Service)
Ms. Tammy Ash (U.S. Fish and Wildlife Service)
Mr. Alvie Nichols (Texas Commission on Environmental Quality)
Mr. Richard Seiler (Texas Commission on Environmental Quality)
Mr. Don Pitts (Texas Parks and Wildlife Service)
Mr. Keith Tischler (Texas General Land Office)

ENCLOSURE A
ADDENDUM TO THE EPA'S COMMENTS DATED FEBRUARY 3, 2005
NATIONAL OIL RECOVERY CORPORATION
FALCON REFINERY SUPERFUND SITE; INGLESIDE, TEXAS

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Comments

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5. *Screening Levels*

NORCO continues to rely on the HRS Documentation Record analytical data for the focus of the RI/FS for the Site. The amended draft deliverables should exclude comparisons of the HRS analytical data to State Protective Concentration Levels (PCLs) in the discussion of the five source areas identified in the HRS Documentation Record. Any impacts to the soil, sediment, ground water, and surface water from a hazardous substance, pollutant, or contaminant will be determined during the RI/FS for the Site. Preliminary Remediation Goals (PRGs; i.e., Region 6 Medium-Specific Screening Levels [MSSLs], Ecological Screening Levels, and Applicable or Relevant and Appropriate Requirements [ARARs]) should be established early in the RI/FS; specifically, during the "scoping" phase of the RI/FS. These risk-based screening levels, which will be used to develop a Field Sampling Plan and Quality Assurance Project Plan for this Site, may or may not be more stringent than the State's PCLs. Additionally, the analytical detection limits utilized in the HRS may have exceeded human health or ecological screening levels and would not be suitable for this RI/FS. The EPA's general comments on NORCO's draft deliverables provide example tables that have been approved by the EPA. The tables in the amended draft deliverables should include the content and format depicted in these examples. These tables should also include State PCLs.

5. *Human Health and Ecological Conceptual Site Models*

The Human Health and Ecological Conceptual Site Models for the Site should consider residential, commercial/industrial, and recreational land use scenarios during the implementation of this RI/FS and in the calculation of risk at the Site. These models must address the other areas of the Site which include the known and/or potential releases of hazardous substances, pollutants,

or contaminants to the refuse area located southwest of the facility; the vacant (non-process) areas of the facility; the residential areas located immediately adjacent to the facility; the wetland areas located south, southeast, and east of the facility (including the wetland areas located north of Sunray Road); the historical and current docking facilities on Redfish Bay; the entire length of the pipelines leading from the North Site to the historical and current docking facilities; and the historical wastewater discharge outfall point into Corpus Christi Bay.

The Ecological Conceptual Site Model should be revised to evaluate all potential pathways and receptors; including direct exposures such as surface water hydrology (sheet flow and runoff) and ingestion (both incidental and routine) of sediments and soils.

6. *References and Standard Operating Procedures*

The "references" and "Standard Operating Procedures" included in NORCO's draft deliverables should be revised into a format in which they can be easily cross-referenced with the text.

7. *Field Sampling Plan Format and Content*

The Many Diversified Interests, Inc. (MDI) Superfund Site Final Field Sampling Plan (FSP), included as an attachment to the EPA's comments on NORCO's draft deliverables, was provided as a recent example of a deliverable that has been approved by the EPA. This deliverable was prepared by the EPA's contractor along with technical direction from the MDI Site's Remedial Project Managers. The Amended Draft FSP should be revised to include similar format and content.

8. *Documentation of Hazardous Substances and Contaminant Releases to the Environment*

The EPA's comments on NORCO's draft deliverables included documentation of hazardous substances and contaminant releases the environment. NORCO did not address these other areas of the Site during the March 4, 2005, meeting. The other areas of the Site that must be addressed in the amended draft deliverables include the known and/or potential releases of hazardous substances, pollutants, or contaminants to the refuse area located southwest of the facility; the vacant (non-process) areas of the facility; the residential areas located immediately adjacent to the facility; the wetland areas located south, southeast, and east of the facility (including the wetland areas located north of Sunray Road); the historical and current docking facilities on Redfish Bay; the entire length of the pipelines leading from the North Site to the historical and current docking facilities; and the historical wastewater discharge outfall point into Corpus Christi Bay.

9. *Land Treatment Unit*

The land treatment unit, if approved for construction by the EPA's removal program, will need to be reevaluated under the remedial program according to the nine criteria established under the National Contingency Plan.

10. *Determination of Background Concentrations of Inorganics in Soils and Sediments*

NORCO should determine whether the background data from the HRS is suitable for the RI/FS for this Site. These procedures are described in the EPA's guidance documents entitled; "Determination of Background Concentrations of Inorganics in Soils and Sediments at Hazardous Waste Sites" (Office of Solid Waste and Emergency Response, EPA/540/5-96/500, December 1995); and "Guidance for Comparing Background and Chemical Concentrations in Soil for CERCLA Sites" (EPA 540-R-01-003, 2002).

11. *Investigation of the Known and Potential Releases to the Environment*

One of the purposes of the RI/FS is to investigate the known and potential releases of hazardous substances, pollutants, or contaminants to the environment. NORCO has not proposed to investigate the other areas of the Site listed in the EPA's comments on NORCO's draft deliverables. The amended draft deliverables must address these other areas of the Site which include the known and/or potential releases of hazardous substances, pollutants, or contaminants to the refuse area located southwest of the facility; the residential areas located immediately adjacent to the facility; the wetland areas located south, southeast, and east of the facility (including the wetland areas located north of Sunray Road); the historical and current docking facilities on Redfish Bay; the entire length of the pipelines leading from the North Site to the historical and current docking facilities; and the historical wastewater discharge outfall point into Corpus Christi Bay.

12. *Development of Potential Remedial Alternatives During Scoping*

The development of potential remedial alternatives begins during or soon after scoping, when likely response scenarios may first be identified. The development of alternatives requires (1) identifying remedial action objectives; (2) identifying potential treatment, resource recovery, and containment technologies that will satisfy these objectives; (3) screening the technologies based on their effectiveness, implementability, and cost; and (4) assembling technologies and their associated containment or disposal requirements into alternatives for the contaminated media at the site or for the operable unit. Further sampling may be needed to assess site risks and support the evaluation of potential remedial alternatives in the FS.

14. *Sampling of Areas Under Demolished Structures*

Areas under structures demolished in the latter stages of the RI/FS will need to be addressed.

15. *Sampling for Polychlorinated Biphenyls*

Samples taken from all media at the Site should be screened for the presence of polychlorinated biphenyls.

16. *Judgmental Sampling for the Five Source Areas*

The EPA stated, in the EPA's comments on NORCO's draft deliverables, that a judgmental sampling design would be appropriate for the known source areas of contamination or "hot spots." The EPA also stated that a judgmental sampling design alone does not meet the EPA's requirements for a well-developed sampling design that can be used to support human health and ecological risk assessments for this Site.

The EPA's human health risk assessor agreed that a human health risk assessment could be performed from the data obtained according to the judgmental sampling scheme proposed in NORCO's draft deliverables for the five source areas identified in the HRS Documentation Record (February 2002); however, a combination of random and judgmental sampling schemes should be proposed in the amended draft deliverables for the vacant (non-process) areas of the Site.

NORCO's predefined limit of the number of sample locations for the entire RI/FS for the Site will not meet the EPA's requirements for a well-developed sampling design that can be used to support human health and ecological risk assessments. NORCO should discuss their predefined limit of sampling locations with the EPA prior to NORCO's submittal of the amended draft deliverables.

The amended draft deliverables must also include a combination of random and judgmental sampling schemes for the other areas of the Site listed in the EPA's comments on NORCO's draft deliverables. These other areas include the known and/or potential releases of hazardous substances, pollutants, or contaminants to the refuse area located southwest of the facility; the vacant (non-process) areas of the facility; the residential areas located immediately adjacent to the facility; the wetland areas located south, southeast, and east of the facility (including the wetland areas located north of Sunray Road); the historical and current docking facilities on Redfish Bay; the entire length of the pipelines leading from the North Site to the historical and current docking facilities; and the historical wastewater discharge outfall point into Corpus Christi Bay.

17. *Data Quality Objectives Process*

NORCO indicated that the Data Quality Objectives (DQO) Process was not used in the planning stage of this RI/FS. The DQO Process should be used during the planning stage of any study that requires data collection, before the data are collected. For EPA programs, the operational requirements for implementing the data collection design, developed through the DQO Process, are then documented in the Field Sampling Plan and Quality Assurance Project Plan. The EPA has provided NORCO with a discussion of the purpose of this process in the EPA's comments on NORCO's draft deliverables.

18. *Soil and Sediment Sampling Intervals*

Sediment samples should be taken from the 0-0.5 foot and the 0.5-2.0 foot intervals.

For an industrial scenario, soil samples should be obtained from the 0-0.5 foot and the 0-2.0 foot intervals. Deeper sampling intervals should be considered if construction activities could occur below 2.0 feet.

19. *Threatened and Endangered Species Identified as Potential Receptors*

Threatened and endangered species, identified as potential receptors, should be evaluated in the risk assessment with surrogate species that are in the same ecological feeding guild.

20. *Topographic Map*

NORCO's amended draft deliverables should include a topographic map of the Site and the surrounding area. This map would assist in the identification of sample locations, anthropogenic features, and the surface water hydrology of the Site.

21. *Vertical Contaminant Migration*

Any vertical contaminant migration will need to be characterized throughout the Site, including the soil-ground water media interface.

22. *Hierarchy of Sources for Ecological Screening Levels*

NORCO's amended draft deliverables should clearly identify the sources from which ecological screening levels are to be obtained. A hierarchy for use of those sources should be provided. Both the EPA's and the Texas Commission on Environmental Quality's guidelines should be considered.

23. *Oversight Contractor/Assistant*

The EPA is considering the services of an Oversight Contractor/Assistant, which is allowed under the AOC and specified in the EPA's regulations. As a courtesy, the EPA will provide NORCO with the Draft Statement of Work for their review. The EPA's "Independent Government Cost Estimate" for these services cannot be provided to NORCO because of the "confidential business information" included with the estimate. The EPA has sole responsibility for soliciting and approving the oversight contractor's services.

24. *Skinner List*

The investigation of the chemicals of potential concern for the Site should be extended beyond the Skinner List to the hazardous substances, pollutants, and contaminants defined in the Superfund statute and discussed in the EPA's comments on NORCO's draft deliverables.

25. *Fact Sheet and Public Notice of Next Community Meeting*

The EPA is required by statute to keep the public informed of the activities occurring or planned at a Superfund site through fact sheets, public notices, and community meetings. The EPA and NORCO should begin discussions concerning the timing and schedule for these activities.

MAR 23 2005

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Project Coordinator
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607 River Bend Drive
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Sincerely yours,

Rafael Abrego Casanova, P.G.
Remedial Project Manager

Enclosure

RIBB
6SF-AP

ARR
3/21/05

~~CHAVARRIA~~
~~6SF-AP~~

3/22/05

~~SANCHEZ~~
~~6SF-AP~~

HEPOLA
6SF-A

JCA
3/22/05

~~MORAN~~
~~6RE-S~~

3/23/05

cc: Mr. Richard Bergner (National Oil Recovery Corporation)
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The land treatment unit, if approved for construction by the EPA's removal program, will need to be reevaluated under the remedial program according to the nine criteria established under the National Contingency Plan.

10. *Determination of Background Concentrations of Inorganics in Soils and Sediments*

NORCO should determine whether the background data from the HRS is suitable for the RI/FS for this Site. These procedures are described in the EPA's guidance documents entitled; "Determination of Background Concentrations of Inorganics in Soils and Sediments at Hazardous Waste Sites" (Office of Solid Waste and Emergency Response, EPA/540/5-96/500, December 1995); and "Guidance for Comparing Background and Chemical Concentrations in Soil for CERCLA Sites" (EPA 540-R-01-003, 2002).

11. *Investigation of the Known and Potential Releases to the Environment*

One of the purposes of the RI/FS is to investigate the known and potential releases of hazardous substances, pollutants, or contaminants to the environment. NORCO has not proposed to investigate the other areas of the Site listed in the EPA's comments on NORCO's draft deliverables. The amended draft deliverables must address these other areas of the Site which include the known and/or potential releases of hazardous substances, pollutants, or contaminants to the refuse area located southwest of the facility; the residential areas located immediately adjacent to the facility; the wetland areas located south, southeast, and east of the facility (including the wetland areas located north of Sunray Road); the historical and current docking facilities on Redfish Bay; the entire length of the pipelines leading from the North Site to the historical and current docking facilities; and the historical wastewater discharge outfall point into Corpus Christi Bay.

12. *Development of Potential Remedial Alternatives During Scoping*

The development of potential remedial alternatives begins during or soon after scoping, when likely response scenarios may first be identified. The development of alternatives requires (1) identifying remedial action objectives; (2) identifying potential treatment, resource recovery, and containment technologies that will satisfy these objectives; (3) screening the technologies based on their effectiveness, implementability, and cost; and (4) assembling technologies and their associated containment or disposal requirements into alternatives for the contaminated media at the site or for the operable unit. Further sampling may be needed to assess site risks and support the evaluation of potential remedial alternatives in the FS.

14. *Sampling of Areas Under Demolished Structures*

Areas under structures demolished in the latter stages of the RI/FS will need to be addressed.

15. *Sampling for Polychlorinated Biphenyls*

Samples taken from all media at the Site should be screened for the presence of polychlorinated biphenyls.

16. *Judgmental Sampling for the Five Source Areas*

The EPA stated, in the EPA's comments on NORCO's draft deliverables, that a judgmental sampling design would be appropriate for the known source areas of contamination or "hot spots." The EPA also stated that a judgmental sampling design alone does not meet the EPA's requirements for a well-developed sampling design that can be used to support human health and ecological risk assessments for this Site.

The EPA's human health risk assessor agreed that a human health risk assessment could be performed from the data obtained according to the judgmental sampling scheme proposed in NORCO's draft deliverables for the five source areas identified in the HRS Documentation Record (February 2002); however, a combination of random and judgmental sampling schemes should be proposed in the amended draft deliverables for the vacant (non-process) areas of the Site.

NORCO's predefined limit of the number of sample locations for the entire RI/FS for the Site will not meet the EPA's requirements for a well-developed sampling design that can be used to support human health and ecological risk assessments. NORCO should discuss their predefined limit of sampling locations with the EPA prior to NORCO's submittal of the amended draft deliverables.

The amended draft deliverables must also include a combination of random and judgmental sampling schemes for the other areas of the Site listed in the EPA's comments on NORCO's draft deliverables. These other areas include the known and/or potential releases of hazardous substances, pollutants, or contaminants to the refuse area located southwest of the facility; the vacant (non-process) areas of the facility; the residential areas located immediately adjacent to the facility; the wetland areas located south, southeast, and east of the facility (including the wetland areas located north of Sunray Road); the historical and current docking facilities on Redfish Bay; the entire length of the pipelines leading from the North Site to the historical and current docking facilities; and the historical wastewater discharge outfall point into Corpus Christi Bay.

17. *Data Quality Objectives Process*

NORCO indicated that the Data Quality Objectives (DQO) Process was not used in the planning stage of this RI/FS. The DQO Process should be used during the planning stage of any study that requires data collection, before the data are collected. For EPA programs, the operational requirements for implementing the data collection design, developed through the DQO Process, are then documented in the Field Sampling Plan and Quality Assurance Project Plan. The EPA has provided NORCO with a discussion of the purpose of this process in the EPA's comments on NORCO's draft deliverables.

18. *Soil and Sediment Sampling Intervals*

Sediment samples should be taken from the 0-0.5 foot and the 0.5-2.0 foot intervals.

For an industrial scenario, soil samples should be obtained from the 0-0.5 foot and the 0-2.0 foot intervals. Deeper sampling intervals should be considered if construction activities could occur below 2.0 feet.

19. *Threatened and Endangered Species Identified as Potential Receptors*

Threatened and endangered species, identified as potential receptors, should be evaluated in the risk assessment with surrogate species that are in the same ecological feeding guild.

20. *Topographic Map*

NORCO's amended draft deliverables should include a topographic map of the Site and the surrounding area. This map would assist in the identification of sample locations, anthropogenic features, and the surface water hydrology of the Site.

21. *Vertical Contaminant Migration*

Any vertical contaminant migration will need to be characterized throughout the Site, including the soil-ground water media interface.

22. *Hierarchy of Sources for Ecological Screening Levels*

NORCO's amended draft deliverables should clearly identify the sources from which ecological screening levels are to be obtained. A hierarchy for use of those sources should be provided. Both the EPA's and the Texas Commission on Environmental Quality's guidelines should be considered.

23. *Oversight Contractor/Assistant*

The EPA is considering the services of an Oversight Contractor/Assistant, which is allowed under the AOC and specified in the EPA's regulations. As a courtesy, the EPA will provide NORCO with the Draft Statement of Work for their review. The EPA's "Independent Government Cost Estimate" for these services cannot be provided to NORCO because of the "confidential business information" included with the estimate. The EPA has sole responsibility for soliciting and approving the oversight contractor's services.

24. *Skinner List*

The investigation of the chemicals of potential concern for the Site should be extended beyond the Skinner List to the hazardous substances, pollutants, and contaminants defined in the Superfund statute and discussed in the EPA's comments on NORCO's draft deliverables.

25. *Fact Sheet and Public Notice of Next Community Meeting*

The EPA is required by statute to keep the public informed of the activities occurring or planned at a Superfund site through fact sheets, public notices, and community meetings. The EPA and NORCO should begin discussions concerning the timing and schedule for these activities.